Schmidt-Langford E-1 (1921-1922)/1929 FLA Dorobo FLA

together. The ribs is made of a single stick bent in an oval and the ends bound together; across it are fastened pieces of tree-rope.[1] Gourds (Sotto, N.) have already been mentioned.

The Dorobo have no knowledge of metallurgy, and they have no ~~ancient~~ [illegible] ~~remote~~, pottery, or, apparently, objects of ivory. Metal-work and pottery they buy from the Kenté.[2]

Trade and Commerce.

Trade is by barter. The Dorobo give the Kenté honey, dressed skins, and bows in exchange for beer-meth, tobacco, pottery, beads, and other necessaries which they cannot produce themselves. There are no special market-places, but goods are taken to any place where there are Kenté, and there exchanged.

Land.

(i) *Tenure.*—The forest is divided by the elders into sections, and each family has its own section of forest. The boundaries between family holdings may be paths or rivers.

(ii) *Geographical Divisions.*—The Dorobo divide their country into divisions called *kwal*, pl. *kwonuk* (N.). The chief divisions appear to be called Kiphoroon, Biwa, Kimwilingo, Sumiyo (location, N. sub-d), and Mokopiek. The majority of the present place-names are Kenté.

The points of the compass are called as follows:—North and South: Mwret (N.). East: Ya-wwar (N. *ulia-dawar* = up). West: Ya-'nik-te (= where(the sun) descends-thither).

III.—Government.

The Kimwilio Kipchapkondi Dorobo have now no chief. The last to hold office was Parkpiroyo[3] arap Ngumdigun, who was chief at the time of the Kenté Punitive Expedition, 1905. He is still alive, though he no longer holds office. The chief was elected, and the office was not hereditary. The chief (*kiruspindet* (N.)—counsellor) was chosen for "*kpilyopin kitin*" ("tongue only" = sense, ability and position). The only form of Government that exists now is a council of elders (*kiruspet ap pwinik*, N.), who meet and decide on matters which are brought to them. They seem to have little power of enforcing obedience to their decisions, though they claim

[1] This is described and illustrated, although it is a Kenté one, since N.N. does not mention it.

[2] On the use of bows, see V., "Miscellaneous." These may hardly be considered as instruments of trade.

[3] N. = Son-killer.

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and speak at it. People meet at the house of a clansman who, upon notice being given to him, prepares as much honey-wine as he can for the entertainment of the gathering, and what he provides may be supplemented by wine brought by other members. The business of the council is done with the aid of a jar of honey-wine in an informal way as if it were a social gathering, which in a sense it is, for the clan council through its informality has become a social bond between clansmen. Business is done first, and the drinking soon follows. The subjects which may be discussed include:

1. Disputes between members of the clan.
2. Hunting disputes.
3. Disputes about boundaries of hunting areas.
4. The preliminary business when a clansman has killed a member of another clan.
5. Homicide within the clan.
6. Sexual intercourse between a man and a girl of the clan. Disputes under heads 1-3 are settled by discussion, the leader of the council swaying, by his opinion, the views of the members. The leader, *kiruktindat*, is not necessarily the oldest member of the clan, for such a man might be too senile to act properly; but someone fairly senior in age, with his faculties intact, who is liked and respected, becomes in course of time (as in the case of the leader of the *kuret* council) looked upon as a responsible person who can be safely listened to and whose judgment is sound.

More serious matters, like those under heads 4-6, are dealt with, like the rest by discussion, but there is as well a certain traditional procedure to follow. When a clansman has killed a member of another clan, the council of the dead man's clan meets to discuss the compensation payable, and to choose a messenger who will be sent to the council of the murderer's clan to start proceedings, which after a preliminary discussion, are heard before the *kuret* council, since two different clans are involved, and the matter is not purely the affair of one clan. When a man kills a member of his own clan, the whole matter is settled within the clan. First, the murderer has to brew some honey-wine and kill a goat from which the fat is collected. Then old men of both the families concerned meet at the house of the murderer and drink the wine he has provided, after which two of the old men oil the murderer all over with the goat's fat. The animal from which this fat is obtained must be a goat, and if the murderer has none of his own, he must get one by purchase or theft. He is therefore put to some trouble and even danger, for if he has to steal a goat he risks being speared if caught, and this constitutes an act of faith which, together with the anointing of his body, frees him from the uncleanness caused by the shedding of human blood. There is no payment of compensation for the murder of a clansman, but the murderer must if he can give his victim's wife one cow to help towards her maintenance. This last is a Nandi custom and was probably introduced in recent times after the Dorobo had begun to acquire cattle in a small way.

Sexual intercourse between a man and a girl of his clan is not an offence provided the girl does not have a baby, though the lover is not allowed

5:Huntingford E-5 (1938-1939) 1954 FL6 Dorobo FL6

Private delicts include trespass, that is, hunting on another's land in the forest; theft, of honey-barrels in particular and of other things in general; murder; adultery; and assault. These are offences for which compensation is payable, or for which a man may kill the offender, e. g. for theft, though if he does so he must pay compensation for murder. Offences which concern fellow clansmen are dealt with by the clan council. Others came within the province of the *kerut* council, which was not a daily affair, nor held at stated times, but only when there was a definite reason. When a person had some business which needed the calling of a council, he told the *kiruokindat*, who passed word round the *kerut* that people should assemble on a certain day. If, for example, a man had been robbed of a honey-barrel, and knew who had stolen it, he would put the matter before the council, partly to decide on the amount of compensation, for the amount might vary according to the thief's circumstances, and partly to have public opinion behind him when he enforced his claim for payment. I believe that on the whole theft among the Dorobo themselves was not very common; and certain kinds of theft are regarded by them as so mean that a man must be very depraved indeed who will commit them. Besides, in a small horde whose members feel that outside their own circle every man's hand is against them, and to whom a stranger is a potential enemy until proved a friend, the need for unity and absence of friction is overwhelming if they are to survive. I certainly heard of no cases of theft during the period of my investigations.

We may now pass on to describe some of the traditional measures taken against offenders.

Incest. Incest means intercourse between a man and a woman of his *kilet* (that is, one whom he calls by a relationship term), and a clanswoman. We have already described the punishment for this (see above, p. 127 f.), which in the first case is carried out with the approval of the *kerut* council, and in the second, under the authority of the clan council.

Killing a Dorobo. When a man killed a Dorobo belonging to another clan, the council of the dead man's clan met to discuss the amount of compensation that was to be paid (*pas*), and then sent word to the council of the murderer's clan. This meant that the offence had been recognized, and that action must be taken. The council of the murderer's *kerut* then assembled so that arrangements for payment could be made and become known to everybody. The murderer also had to be purified, in the same way as when the victim was a clansman. The *kerut* council then met again to discuss the amount of the compensation. This, it seems, was usually reckoned at nine head of cattle (male or female), though it is doubtful if the full number was ever enforced [1], and if the murderer was a poor man with

[1] The number nine is probably due to imitation of the Nandi procedure, where nine is the amount payable as compensation for homicide.

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few relatives it would be very much less. The murderer had to provide as many of the number decided upon as he could, either from his own herd if he had one, or by getting them from the Nandi in exchange for furs, which meant, of course, that the cattle would be either oxen or worn-out old cows, and that he would not be able to provide many himself. It therefore fell to his relatives and clansmen to make up the number, which needed a clan council to apportion the balance among them, and also resulted in a good deal of feeling against the murderer for a time. Until the amount had been agreed upon by both clan and *koret* councils, the murderer was liable (in theory at least) to be killed by his victim's relatives, so he had to lie low till the negotiations were completed, though again it is doubtful if they would actually have gone as far as killing him, for then they themselves would merely have had to return the cattle as compensation for their own act. In dividing cattle between the murdered man's relatives, the order of priority was brother, wife, father, mother, father's brother, father's brother's son, father's sister's son.

Killing a witch. Though in 1939 I could hear of no Dorobo who were reputed to be witches (*ponik*), such people certainly existed in the past. Apart from killing people by spells, their principal activities seem to have been centred on hunting — putting spells on game traps and on men who were going to hunt. If a witch was shown by a diviner to be guilty of a person's death, he or she might be killed, and no compensation was payable (*mupase*).

Killing an enemy. This means killing any person who is not a Dorobo and is believed or known to have performed any unfriendly act against the Dorobo. The Dorobo have no sort of war organization, and their enemies were generally shot at from the cover of under-growth. Though not a crime, killing an enemy none the less makes the killer ritually unclean and therefore dangerous to others because he has shed human blood. This action is thus brought into the same category as homicide of a Dorobo, and though there is naturally no compensation, purification is required. The face of a man who has killed an enemy is painted (*kemase loket*) with stripes of white earth (*cworiot*) on the forehead, down each cheek, and down both sides of the nose. The paint is allowed to remain till it flakes off, and the man does not have to stay in his hut, but goes about as usual; though if he had killed a Nandi he would take care to go to some other part of the forest till he thought it safe to return. In actual fact, Nandi were seldom killed, but one who strayed into the forest might get shot by accident: the body would be taken to a lonely place for the hyaenas to eat, and at any sign of Nandi activity the Dorobo would vanish into the depth of the forest where the Nandi would have little chance of finding them even if they had the inclination to search.

Theft. Stealing honey is the worst kind of theft, and is almost comparable with intra-tribal cattle-theft among the Nandi. A man who steals honey from someone else's barrels is considered very low indeed, and if found

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out might be shot by the owner, who, if he killed the thief, would have to pay compensation for homicide. 685

If a man steals a honey-barrel from a man's recognized area in the forest, the case can be brought before the *koret* council, and the usual compensation is the payment of a goat, which the thief has to get from the Nandi if he has none of his own, though if the thief's circumstances were good, he might have to pay more. The Dorobo say that stealing honey-barrels is apt to be dangerous, because if a barrel is full of bees, the thief might be injured by their stings if they got his scent and did not recognize it.

I was told that theft of an animal caught in someone else's trap never occurred, partly because of the deep-seated public hatred of such an act, and partly because of the belief that after eating meat stolen from a trap the thief's belly would swell to a great size and he would die.

A person accused of stealing food may, to attest his innocence, take a blade of grass between his teeth and say: *Ingo a corin, kuama susuonno*, "If I am a thief, may this blade of grass eat me". [695]

A man who is found stealing ordinary property is beaten by the owner if he can catch him, but if in doing so the thief is killed, the owner must pay the compensation for homicide. In cases of serious theft, like stealing a man's bow and arrows, the case could be referred to the *koret* council, and the thief might have to pay adequate compensation. A man accused of theft might protest that he was innocent by throwing his knife at a tree and saying: *Ingo a corin, kuama rotuanno*, "If I am a thief, may this knife eat me". [692] [623] [695]

Trespass. To the Dorobo, trespass means hunting on somebody else's land. Normally this is no more than either following an animal across the boundary into another man's land, or else in the heat of the chase picking up the trail of another animal on someone else's land. If the hunter gives the owner of the land some of the meat, this accidental trespass is not considered as an offence. But if a man were deliberately to set out to hunt or trap on another man's land without permission or promise of meat, then the owner might, if he thought fit, kill him, though he would have to pay compensation for homicide. Trespasss can occur only in the horde's own forest area. In the old days, when people roamed over the plains below, they could hunt where they pleased, and all they had to do was to keep out of the way of the Masae or Nandi herdsmen.

Adultery. A man who lies with another man's wife is said to *cor*, that is, steal her. He thereby commits an offence against her husband, who may kill him if he catches him in the act, and then, of course, must pay compensation; the wife may get a beating. A woman is not divorced for one act of adultery. 684

Assault. If a man injures another and incapacitates him, he must feed him till he recovers; and should the man eventually die as a result of the injury, the offender will have to pay compensation for homicide. 683

/67 cont'd/

"In spite of the fact that only such a small number of Wanderobo are left to represent this tribe, it would be erroneous to consider that the tribe was never more numerous, and in fact, there were probably several hundreds of families representing more than a thousand people in the not very distant past. The reason for the decrease in their numbers is due, not to extinction, but to absorption, for when the Kikuyu bought their land many Wanderobo families gave up their hunting life and married into Kikuyu families as well as giving their daughters in marriage to the Kikuyu, until in the course of a generation or two they were completely absorbed ...

"... it was the custom of the Wanderobo of the Kikuyu area to live in fairly large villages where their numbers gave them and their families reasonable security from attack, and where they could organise their social life in such a way as to have courts of justice and other amenities of this type".

77. Dorobo Organization

With regard to organization, a Dorobo witness told the Land Commission in a sworn statement: "Like the Kikuyu we had our mbaris", but this does not in itself mean very much; an mbari is only an extended family and the extension may be so slight that all we can infer from the remark, if we believe it, is that the family was the unit of the social order. But the same witness, later on in the same statement, said: "Our name 'Mbari ya Choiro' is the name applied to us all, as Kikuyu is the name for all the Kikuyu tribe. Within the Mbari ya Choiro there are other mbari", and this certainly suggests a recognition of the mbari as part of a clan, though the possibility of mere imitation cannot be ruled out.

The following brief account of their tribal organization was given me at a meeting of the Dorobo now living at Keriita on the edge of the Forest Reserve, and subsequently checked with the assistance of two elders, Ruchuba obo Lesuswa, who lives on a European farm close to the Forest Reserve (in the Naivasha area), and Gwamba ng'ab Sabaiya, who lives at Kerrita.

/243 cont./
551 named after the oldest living child. Among the Asá one likewise finds the custom whereby the son, after the father's death, is called by his name.

/244/ VII.

000 Circumcision of the boys. -- Age classes. -- Organization of the circumcised young men. -- Circumcision of the girls.

881 The circumcision of the boys and girls is exactly the same as
171 among the Masai and takes place at the same time as that of the
561 Masai boys. The newly circumcised boys (bogodendet, bogododig) form an age class (ebindadet), which borrows its name from that of
561 the Masai. For two to three years after their circumcision the boys
171 are called barnotig (sing. barnotendet), corresponding to the el barnot of the Masai. When the latter become el móran, the former correspondingly become dobonog (sing. dobonatog), and later, with their marriage, daɛ̄ma (sing. daɛ̄mog), corresponding to the el moruak of
[291] the Masai. The bogododig dress exactly like the es sibolio, and, like
[223] them, they set out to hunt small birds, with the skins of which they adorn themselves. When the corresponding age class (ol boror) of the Masai gets a new name, that of the Asá adopts it also. They
[178] cling to their old customs even when their present mode of life makes
[791] them unnecessary. The reason the Wandorobo have no names of their own for the age classes is -- also according to their own explanation -- that the ol oiboni,[1] whom the Asá also call ndĕarug, does not give them any and would regard it as extremely audacious if these poor, despised people came to him with such a request. The ebindadet also choose their head -- the ol aunoni of the Masai -- who here is called njīg or kisiridjo or also aunoni. As among the Masai, this is an honorary position without duties, but here without any privileges
• [692] either. Here the kirua kidet, whose task is chiefly to settle disputes, corresponds to the ol aigwenani of the Masai. The kirigit corresponds
[224] to the ol oiñoni of the Masai. He is the leader in hunting, especially
[555] on larger expeditions, which often lead the young Wandorobo in pursuit of elephants far from their camp. Only one who, in hunting

1, [Chief of the Masai people, and according to Merker, also chief of the Asa--Analyst]

/259 cont./

789 outside the camp in the steppe, or must leave a slain piece of game /260/ outside during the night, they walk around the spot, before the approach of darkness, with a burning twig of the mondeja bush. They assert that if one has done this, no predatory animal can approach.

789 531 411 224 On the bow end held diagonally upward in shooting, one frequently finds a design like a sentry box, which, in the belief of the people, God himself taught them long ago, and which is supposed to have the effect that in hunting they will kill only fat game.

754 [791] The nature of the sorcery through which sickness and death can be brought about they explain like the Masai. Evil, superterrestrial spirits have nothing to do with it. It is solely the work of evil human beings, who are despised, feared, and therefore expelled; they are called schogoto, in which one recognizes the Masai word ol osokutoni. Persons with the evil eye, who are called gallagumma, are likewise hated and expelled. If one knows no natural cause for an illness or a sudden death, it is regarded as the work of these sorcerers.

XV.

000 Law. -- General remarks. -- Property. -- Sharing the hunting booty. -- Things found. -- Barter. -- Debts. -- Liability. -- Gift. -- Blood friendship. -- Murder and manslaughter. -- Negligent homicide. -- Bodily injury. -- Immoral offenses. -- Theft. -- Inquiry about an unknown culprit. -- Legal procedure. -- Swearing. -- Torture. -- Ordeals. -- Bier test. -- Woman before justice. -- Mentally ill.

671 171 The legal views and legal practices of the Asá in general resemble those of the Masai.[1] We find the same leading ideas everywhere. Here, too, might often comes before right, even if not to the same extent as there.

692 [614] There is nothing new to be said about the rights of families and persons. The sole court in litigation is a respected man chosen by both parties, if plaintiff and defendant belong to the same tribe.

[648] Litigation or criminal cases in which plaintiff and defendant belong to two different tribes are not settled by the Wandorobo among themselves, but handed over to the Masai of the nearest kraal for settlement. A prosecution of punishable offenses by legal steps is unknown.

1. [For information on legal views of the Masai, see FL12 Masai, 18:Merker, category 116, pp.279-291--Analyst]